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Please find below and/or attached an Office communication concerning this application or proceeding.

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|------------------------------|--------------------------------------|--------------------------------------|--|
| Office Action Summary | Application No. 10/757,688 | Applicant(s) PURVIS ET AL. | |
| | Examiner Wilson Tsui | Art Unit 2178 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 8/28/2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the amendment filed on: 8/28/2006.
2. Claims 1, 5, 9, and 18 have been amended, and claims 1-26 are pending. Claims 1, 9, and 18 are independent claims.
3. The Examiner acknowledges the amendments to claims 1, 5, and 9 (which were previously objected to, due to informalities), and the objections to the claims are withdrawn.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-26 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

With regards to claims 1, 5, and 9, they include the limitation "...one or more mutators ... were applied to mutate the portion of the identified stored document". However, there is no indication in the Applicant's specification about the identified stored document being mutated. Rather, it appears from the specification that the stored document acts as a storage/repository, which *include/comprise* a list of stored mutations as shown in the cited paragraphs below:

- According to paragraph [00025] from the Applicant's specifications, "*one or more mutators are obtained from the identified stored document to use on the selected portion of the original document*".
- According to paragraph [00025] from the Applicant's specifications, "... the document processing system could have *lists of mutators stored in memory*, which are associated with particular types of documents".
- According to paragraph [00023] from the Applicant's specifications, "...the document processing system obtains the one or more mutators *used in the identified stored document from memory storage device for possible use in the selected portion of the original document*". (This paragraph is cited as the only paragraph that shows mutators were used in the identified stored paragraph, and paragraph 00025 as cited above, further supports mutators which are used in a stored document, since the mutators are used as a list of data/mutators in storage).

Thus, since the Applicant's specification does not indicate specifically that the identified stored document has been mutated, the issue of enablement has been raised.

With regards to claims 2-4, 6-8, and 10-26, since they either directly or indirectly depend on rejected independent claims 1, 5, or 9 (for which the independent claims raise an enablement issue), they are also rejected as well.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3, 5, 9-12, 14, 16, 18-21, 23, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable Hind et al (US Patent: 6,463,440 B1, published Oct. 8, 2002, filed: Apr. 8, 1999) over in further view of Zlotnick (US Patent: 6,778,703 B1, published: Aug. 17, 2004, filed: Apr. 19, 2000).

With regards to claim 1, Hind et al teaches a system that:

- A source/*original document* that are comprised of content data (XML) and style/layout data (column 1, lines 40-47).
- Uses *one or more elements* as arguments for a matching system to compare *against the same types of elements in at least a portion each of a plurality of stored documents*: (column 5, lines 5-25: *whereas, a matching system is used to compare characteristics used as arguments in a match system against a the same characteristics in a plurality of stored layouts/styles*).
- A *determination system that identifies the stored document with the portion which is closest* to the arguments used for the matching system (claim 1: *whereas, through partial matching, a style document is selected based on the closest matching characteristic(s) sent to the matching system*).
- A *mutation system that applies one or more mutators to the portion of the original document which were used in the portion of the identified stored document*: *whereas, each style sheet has one or more "template rule constructs" that is/are*

used to mutate an original document (column 1, lines 61-67). It is further taught that style sheets can be applied using a browser (column 4, lines 21-24).

However, Hind et al does not teach a system that *compares one or more elements of at least a portion of a original document* against the same elements in at least a portion each of a plurality of stored documents, and a determination system that identifies the stored document with the portion which is closest to the *portion of the original document based on the comparing*.

Zlotnick teaches a system that:

- *Compares one or more elements of at least a portion of a original document against the same elements in at least a portion each of a plurality of stored documents:* Whereas, for each portion compared, icons representing elements of the original document, are compared to icons in a plurality of stored documents (column 11, lines 57-60).
- *A determination system that identifies the stored document with the portion which is closest to the portion of the original document based on the comparing:* whereas, a portion/area of a first template/document, is being compared to other document/templates, and a stored document/template is selected based on the closest matching score (column 2, lines 38-45:).

Furthermore, Zlotnick and Hind et al are analogous art since they are from the same problem solving area: dynamic selection of template/layout documents.

It would have been obvious to one of the ordinary skill in the art at the time of the invention to have modified Hind et al's matching system such that would have further

compared elements in the original document and identified a stored document based on the elements closest to the portion of the original document as the method is taught by Zlotnick's system. The combination of Hind et al and Zlotnick would have allowed Hind et al's system to have been able to use style data of an original document as input to the matching system, thus dynamically selecting the best style sheet document based on the original style/layout factors.

With regards to claim 2, Hind et al teaches a matching system for comparing, as explained in claim 1, and is rejected under the same rationale. However, Hind et al does not teach a system further comprising a *selection system that selects the portion of the original document for the comparing*.

Zlotnick teaches a *selection system that selects the portion of the original document for the comparing* (column 2, lines 23-25: whereas portions or reference areas are chosen in a document).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to have modified Hind et al's system to have used Zlotnick's method for selecting a portion of a document for comparing as input to Hind et al's matching system. The combination of Hind et al and Zlotnick would have allowed Hind et al's system to have controlled the size of an element set being searched for in the plurality of stored documents.

With regards to claim 3, which depends on claim 1, Hind et al teaches a system comprising a *determination system*, as explained in claim 1, and is rejected under the same rationale. However, Hind et al does not teach the determination system *further*

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comprises a scoring system that generates a score for each of the comparisons of the portion of the original document against each of the portions of each of the plurality of stored documents, wherein the determination system identifies the stored document with the portion with the score which is closest to the portion of the original based on the generated scores.

Zlotnick teaches a determination system further comprises a *scoring system that generates a score for each of the comparisons of the portion of the original document against each of the portions of each of the plurality of stored documents, wherein the determination system identifies the stored document with the portion with the score which is closest to the portion of the original based on the generated scores* (column 2, lines 38-45: whereas, the 'current'/original document/template is, is being compared to other document/templates, and a stored document/template is selected based on the closest matching score).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to have modified Hind et al's determination system such that it would have included a comparison ranking system for selection of the closest matched stored document as taught by Zlotnick. The combination of Hind et al and Zlotnick would have allowed Hind et al's system to have "provided improved methods for automatically identifying which of a plurality of templates (documents) corresponds to a given form document" (Zlotnick, column 2, lines 10-14).

With regards to claim 5, Hind et al teaches a system further comprising an *application system that determines which of the one or more mutators which were used*

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in the portion of the identified stored document are to be used by the mutation system on the original document (column 5, lines 36-46: whereas, the application system determines the one or more mutators by mapping characteristic pairs used for a particular stored style document).

With regards to claim 9, for a method performing a similar method as the system in claim 1, is rejected under the same rationale.

With regards to claim 10, Hind et al and Zlotnick teach a similar method for *comparing, identifying, applying on a portion of a document*, in claim 1, and is rejected under the same rationale.

Additionally, Zlotnick teaches a method for *comparing, and identifying one or more portions of the original document* (column 2, lines 38-39: where multiple reference areas/portions are defined).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to have modified Hind et al and Zlotnick's system for comparing, identifying, applying a portion of the original document, to have also further included the method for processing more one or more portions as taught by Zlotnick as well. The combination of Hind et al and Zlotnick would have allowed Hind et al's system to have selectively processed one or more areas/portions to undergo localized mutation.

With regards to claim 11, for a method performing a similar method as the system in claim 2, is rejected under the same rationale.

With regards to claim 12, for a method performing a similar method as the system in claim 3, is rejected under the same rationale.

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With regards to claim 14, for a method performing a similar method as the system in claim 5, is rejected under the same rationale.

With regards to claim 16, Hind et al and Zlotnick teach a similar method as the system in claim 7, is rejected under the same rationale.

With regards to claim 18, for instructions stored on a computer readable medium causing a processor to perform a similar method as the system in claim 1, and is rejected under the same rationale.

With regards to claim 19, for instructions stored on a computer readable medium causing a processor to perform a similar method to claim 10, and is rejected under the same rationale.

With regards to claim 20, for instructions stored on a computer readable medium causing a processor to perform a similar method to as the system in claim 2, is rejected under the same rationale.

With regards to claim 21, for instructions stored on a computer readable medium causing a processor to perform a similar method as the system in claim 3, is rejected under the same rationale.

With regards to claim 23, for instructions stored on a computer readable medium causing a processor to perform a similar method as the system in claim 5, is rejected under the same rationale.

With regards to 25, for instructions stored on a computer readable medium causing a processor to perform a similar system as taught by Hind et al and Zlotnick in claim 7, is rejected under the same rationale.

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5. Claims 4, 13, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hind et al (US Patent: 6,463,440 B1, published Oct. 8, 2002, filed: Apr. 8, 1999) and Zlotnick (US Patent: 6,778,703 B1, published: Aug. 17, 2004, filed: Apr. 19, 2000) in further view of Brown et al (US Patent: 6,880,014 B1, published: Apr. 12, 2005, filed: Sep. 24, 2001).

With regards to claim 4, which depends on claim 1, Hind et al and Zlotnick teaches a system that:

- Compares a *portion of the original document*, as explained in claim 1, and is rejected under the same rationale.
- Comprises a *mutation system that applies mutators*, as explained in claim 1, and is rejected under the same rationale.

However, Hind et al and Zlotnick does not teach a system *further comprising an ordering system that determines an order for the mutation system to apply the mutators*. Brown et al teaches a system further comprising *an ordering system that determines an order for the mutation system to apply the mutators* (column 4, lines 45-51: *whereas, a transcoding system using style sheets, apply mutators in a determined order*).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to have modified Hind et al's system mutation system to further include an ordering system as taught by Brown et al. The combination would have allowed Hind et al's system to have "provided a tailored transcoded response (to be) sent back to the user's client machine" (Brown et al, column 2, lines 13-15).

With regards to claim 13, for a method performing a similar method as the system in claim 4, is rejected under the same rationale.

With regards to claim 22, for instructions stored on a computer readable medium causing a processor to perform a similar method as the system in claim 4, is rejected under the same rationale.

6. Claims 6 – 8, 15, 17, 24, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hind et al (US Patent: 6,463,440 B1, published Oct. 8, 2002, filed: Apr. 8, 1999) and Zlotnick (US Patent: 6,778,703 B1, published: Aug. 17, 2004, filed: Apr. 19, 2000) in further view of Wanderksi et al (US Patent: 6,519,617 B1, published: Feb. 11, 2003, filed: Apr. 8, 1999).

With regards to claim 6, which depends on claim 1, Hind et al teaches a mutation system that *applies one or more mutators*, in claim 1, and is rejected under the same rationale. However, Hind et al does not teach a system further comprising *an output system, which outputs the original document after application of the mutators*.

However, Wanderski et al teaches a system comprising *an output system, which outputs a source/original document after application of the mutators* (column 14, lines 48-52: whereas, the original document is generated and sent as output to other computers).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to have modified Hind et al's mutation system to further include the ability to output the generated version of the original document as taught by Wanderski et al. The

combination would have allowed Hind et al's system to have communicated to other clients/systems, the generated/mutated version of the original document.

With regards to claim 7, Hind et al teaches *a system further comprising an identification system that identifies the output system wherein one of the elements used in the comparison system is the identified output system against an output system used for each of the stored documents and wherein the determination system uses the comparison of the identified output system against an output system for each of the stored documents in identifying the stored document with the portion which is closes to the arguments used in the matching system (column 8, lines 59-64: whereas, the comparison includes the type of output/display system that a style document uses).*

Zlotnick teaches *comparing a set of stored documents against an original document*, as explained in claim 1, and is rejected under the same rationale.

It would have been obvious to one of the skill in the ordinary art at the time of the invention to have modified Hind et al's matching system such that output was based on the style/template an original document as taught by Zlotnick. The combination would have allowed Hind et al's system to have been able to produce a presentation of the original document as close as possible to what is supported by the output device.

With regards to claim 8, which depends on claim 1, Hind et al does not teach a system further comprising *storing the output, original document with the applied mutators as one of the stored documents*.

However, Wanderski et al teaches a system comprising *storing the output, original document with the applied mutators as one of the stored documents* (column

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14, lines 48-52: whereas, the DTD contains one or more mutators for the document, and the generated output can be stored for later processing).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to have modified Hind et al's system to have further included the ability to store the output as one of the stored documents as taught by Wanderski et al. The combination of Hind et al and Wanderski et al would have helped Hind et al's system to have "automatically transformed documents using dynamically-selected transformations" (Wanderski et al, column 4, 13-14).

With regards to claim 15, for a method performing a similar method as the system in claim 6, is rejected under the same rationale.

With regards to claim 17, for a method performing a similar method as explained in the system of claim 8, is rejected under the same rationale.

With regards to claim 24, for instructions stored on a computer readable medium causing a processor to perform a similar method as the system in claim 6, is rejected under the same rationale.

With regards to claim 26, for instructions stored on a computer readable medium causing a processor to perform a similar method as the system in claim 8, is rejected under the same rationale.

Response to Arguments

5. Applicant's arguments filed 8/28/2006 have been fully considered but they are not persuasive.

6. With regards to claim 1, first, the applicant argues that neither Hind et al. nor Zlotnick, whether considered individually or in any combination, disclose "... a mutation system that applies one or more mutators to the portion of the original document which were applied to mutate the portion of the identified stored document". However, this argument is not persuasive, since the applicant introduces new matter, which is not supported by the applicant's specification. For further explanation (about new matter), see 112 1st rejections located at the top of this office action.

Secondly, the applicant argues that the Hind et al. objects are not stored documents. However, a 'document' (via Microsoft Computer Dictionary, copyright 2002, published: Microsoft Press, page 171) is defined as: "any self contained piece of work", and "data [which] is nothing more than a collection of characters, so a spreadsheet or a graphic is as much of a document as is a letter or a report". Thus, an object (which is also considered a self contained collection of data/discrete entity, page 372 of Microsoft Computer Dictionary), is also a document.

Third the applicant argues that Hind et al does not teach "any mutation applied to these stored objects". However, this argument is not persuasive, since as explained above any mutation applied to the stored document(s), introduces new matter, which is not supported by the specification. For further explanation (about new matter), See 112 1st rejections located at the top of this office action.

Fourth, the applicant argues that there is no mutation applied to the portion of the original document. However, as explained in the rejection for claim 1, the original document is an XML document. The XML document contains data, that is in

"standardized formatting notation, created for standard document interchange" (Hind et al, column 1, lines 49-51). The XML document is thus transformed/mutated based upon mutators specified in XSL style sheets, such that the mutators are applied to the original document "resulting in a different document which may or may not maintain the original document type" (Hind et al, column 1, lines 44-46). These mutators are template rule constructs (Hind et al, column 1, lines 61-63), that are applied to portions of the original document based upon a pattern match/element match (when the same pattern in a template rule constructs is found in the XML document), then an output document fragment/portion is created (Hind et al, column 1, lines 65-67). Thus, mutators are applied to the original XML document, to apply the appropriate transformation/mutation, and the applicant's fourth argument is not persuasive.

Fifth, the applicant argues that "the templates described in Zlotnick for extracting information from a filled-in form are not analogous to the objects described in Hind et al. for identifying a style sheet". However, teachings from Zlotnick and Hind et al point to the contrary. Zlotnick's templates are stored documents in a search repository (column 8, lines 59-64), while Hind et al's objects are also stored data in an object search repository (column 9, lines 30-34, and column 10, lines 41-44: whereas, an object is searched in a repository). Additionally, Zlotnick's templates are searched for matching document characteristics (column 11), while Hind et al's objects are also searched for matching document characteristics. Furthermore, Zlotnick's stored documents are selected based upon closest match to a particular set of data (original document) by matching document characteristics, as explained in column 8, lines 59-64, while Hind et

al's objects are also selected based upon match to a particular set of data/document characteristics (column 10, lines 29-36: whereas the closest match is specified through a partial characteristic match method). For at least these reasons, Zlotnick's reference templates are analogous to the reference objects described in Hind et al, and thus, the applicant's fifth argument is not persuasive.

Sixth, the applicant argues that "templates in Zlotnick do not relate to claimed "stored documents" which include a portion that was mutated by one or more mutators, and that same one or more mutators are applied to a portion of the original document". However, this argument is not persuasive, since mutators being applied to the stored documents introduces new matter as explained above, and in the 112 1st rejection

Seventh, the applicant argues that "there is simply no description in the Zlotnick patent of one or more mutators applied to templates, and thus, no teaching or suggestion in Zlotnick of applying any such mutators to form documents. However, as explained in the arguments above, and in the 103 claim rejection above, Hind et al is the reference that teaches the application of mutators, and Zlotnick is only used such that Hind et al could have *compared elements in the original document and identified a stored document based on the elements closest to the portion of the original document*. Since Zlotnick was not used for applying mutators, the seventh argument is not persuasive.

With regards to applicant's argument that claims 9 and 18 are allowable, since they contain similar limitations as claim 1, is not persuasive, since, those limitations have been shown/explained to be rejected.

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With regards to applicant's argument that claims 2-3, 5, 10-12, 14-16, 19-21, 23 and 25 are allowable, since they depend on independent claims 1, 9, 18, which are allowable, is not persuasive, since claims 1, 9, and 18 have been shown/explained to be rejected.

7. With regards to applicant's argument for claims 4, 13, and 22, and claims 6-8, 15, 17, 24, and 26 under 35 U.S.C. 103(a) being allowable, since they depend from one of independent claims 1, 9, and 18, is not persuasive, since claims 1, 9, and 18 have been shown/explained to be rejected.

8. With regards to applicants argument that "the applicant's claims facilitates continuous storage of the determined layouts for use in determining the layout of future documents, and thus provides a system and method for dynamic document layout that can learn new intelligent mutations during operations", and Hind et al, Zlotnick, Brown et al, Wanderski et al, do not describe such an approach, has been respectfully considered by the examiner, but are not persuasive, since the claim language does not specifically require these limitations, and assuming that they were included in the claim limitations, the applicant is reminded that intended use limitations are not required to be taught by the Office: see MPEP § 2106 Section II(C).

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wilson Tsui whose telephone number is (571)272-7596. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

W.T. 11/8/06
Wilson Tsui
Patent Examiner
Art Unit: 2178
November 8, 2006


STEPHEN HONG
SUPERVISORY PATENT EXAMINER